COURT NO.5

HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.790 OF 2004 (M/S)

CIVIL SIDE

Jogendra Singh ..... PETITIONER

Versus

District Magistrate/Collector,
Udham Singh Nagar & others ..... RESPONDENTS

Sri S.K. Mandal, Advocate for the petitioner.
Standing Counsel for the respondent.

Dated:24.8.2004

Hon'ble Rajesh Tandon J.

Heard the learned counsel for the parties at length.

This writ petition has been filed by the petitioner challenging recovery notice dated 29.4.2004.

According to the petitioner he is a small farmer and has taken loan of Rs. 60,000/- for running Diary Farm business under Pradhan Mantri Rozgar Yojana Scheme, in the month of October 2002. The respondent no.1 and respondent no.2 issued citation to recover a sum of Rs.65,590/-. It has been alleged by the petitioner that the respondents have issued proclamation for recovery as arrears of land revenue.

The petitioner has also alleged that no account has been furnished by the Bank so as to enable him to come to the conclusion that the citation made is correct. Further according to

him calculation of interest is wholly incorrect and no compound interest can be charged.

In the case of *Central Bank of India vs. Ravindra and others, AIR 2001 SC 3095* the Apex Court has observed:

"Statement of accounts supplied by banks to borrowers many a times do not contain particulars or details of debit entries and when written in hand are worse than medical prescriptions putting to test the eyes and wits of the borrowers. Instances of unscrupulous, unfair and unhealthy dealings can be multiplied though they cannot be generalised."

Therefore, I am of the opinion that the Bank authorities will furnish the account to the petitioner on production of certified copy of this order.

So far as payment of amount is concerned the petitioner is not challenging the recovery proceedings. However, the said plea is also not available to him.

The petitioner has prayed that he being small farmer if the amount is realized by him through easy instalments it will serve the purpose of the Bank and will also give relief to the petitioner who is a small farmer. In my opinion the interest of Bank will be fully secured if the petitioner pays the amount in four equal quarterly instalments.

In view of the aforesaid the petitioner is directed to pay the entire outstanding loan amount in eight quarterly instalments. The first instalment will be paid by or before 31.10.2004. The amount of interest will be paid in the last instalment. In case of default of any instalment, the liberty given to the petitioner to pay the loan amount in instalments shall no more be available.

Subject to the above observation, the writ petition is disposed of. No order as to costs.

(Rajesh Tandon J.)

24.8.2004
Dhyani